

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DOUGLAS WAYNE FOX,

Plaintiff,

Case No. 1:23-cv-104

v.

HON. JANE M. BECKERING

EMILY WILKEY JIPP, et al.,

Defendants.

**ORDER**

Plaintiff, proceeding pro se, initiated this action on January 27, 2023. On March 1, 2023, the Magistrate Judge issued a Report and Recommendation, recommending that the action be dismissed pursuant to 28 U.S.C. § 1915(e)(2) for failure to state a claim. On March 9, 2023, Plaintiff filed a one-page letter “Objection” which states, in pertinent part: “I don’t understand, I’m not asking the courts to intervene in my case. All I’m asking for is action be taking [sic] about how these attorneys & prosecutor treat defendants …” (Pl. Obj., ECF No. 9). Plaintiff’s objection demonstrates a misunderstanding of the Magistrate Judge’s conclusion but does not demonstrate any factual or legal error in the Magistrate Judge’s analysis or his conclusion that this case is properly dismissed because the circumstances do not warrant interference in Plaintiff’s on-going state court criminal matter (*see* R&R, ECF No. 8 at PageID.22–23). Accordingly, this Court denies the objection and adopts the Magistrate Judge’s Report and Recommendation as the Opinion of this Court. A Judgment will also be entered. *See* FED. R. CIV. P. 58. Last, consistent with the Report and Recommendation and because this action was filed *in forma pauperis*, this Court also

certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Judgment would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610–11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211–12 (2007). Accordingly:

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 8) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motion to Appoint Counsel (ECF No. 5) is DISMISSED as moot.

**IT IS FURTHER ORDERED** that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith.

Dated: March 20, 2023

/s/ Jane M. Beckering  
JANE M. BECKERING  
United States District Judge